



DECISION NOTICE

W-BAR CONSERVATION EASEMENT

DESCRIPTION OF PROPOSED PROJECT

Montana Fish, Wildlife and Parks (FWP) proposes to purchase a conservation easement on approximately 6,751 acres in Wibaux County, Montana. The conservation easement will be funded by a combination of Pittman-Robertson and Habitat Montana dollars. Based upon a value determined by an independent appraiser the purchase of the easement would not exceed \$2,195,000. The easement, called the “W-Bar Easement,” is comprised of a unique combination of eastern Montana habitats including, native prairie grasslands interspersed with numerous hardwood draws and riparian habitat associated with Beaver Creek and Dry Creek. The property comprises the largest intact parcel of Beaver Creek from its headwaters to the North Dakota line, encompassing over 11 miles of important riparian habitat along Beaver Creek and over 10 miles along Dry Creek and other tributaries. The W-Bar Easement provides excellent year-round habitat for mule deer and white-tailed deer and supports wild turkey, sharp-tailed grouse, Hungarian partridge, antelope, occasional elk, native and introduced game fish, and a diversity of nongame wildlife. The easement would protect healthy blocks of native prairie and riparian habitat from conversion to other cover types, benefitting wildlife and agriculture, while also increasing public hunting, fishing, and recreational opportunities.

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) PUBLIC PROCESS AND COMMENT

The Montana Environmental Policy Act (MEPA) requires FWP to assess impacts to the human and natural environment.

Formal public participation in the MEPA process was initiated with a public scoping process. Public scoping was conducted December 2019 to January 2020, wherein the public was asked to identify any issues and concerns related to this Conservation Easement proposal. Copies of the scoping notice were mailed to neighboring landowners, interested parties, and the Wibaux County Commissioners. Notice of the public scoping period was placed in seven newspapers (the Glendive Ranger Review, the Wibaux Pioneer Gazette, the Miles City Star, Terry Tribune, Sidney Herald, Fallon County Times, and the Helena Independent Record), and on the FWP website. A total of 14 comments were received during the scoping process and addressed in the draft Environmental Assessment (EA).

The draft EA was released to the public May 29, 2020 with a 30-day comment period ending June 27, 2020. Legal Notice of the EA release and comment period was published two times in each of the following newspapers: the Glendive Ranger Review, Wibaux Pioneer Gazette, Miles City Star, Sidney Herald, and the Helena Independent Record. Public notice was placed on the FWP website. Direct mailing and/or email notification was provided to adjacent landowners, interested parties, Wibaux County Commissioners, and DNRC, NRCS and BLM Staff. A public hearing was advertised and held at the

Wibaux County Courthouse on June 18, 2020; seven members of the public were in attendance. The Draft EA, the easement and the management plan were available to interested parties by downloading from the FWP website. Hard copies were available at FWP R7 office in Miles City and available at the public hearing in Wibaux.

SUMMARY OF PUBLIC COMMENT

A total of four comments were received through the public comment period representing three individuals. All were received electronically. Three of the comments expressed support for the W-Bar Conservation Easement and represented two individuals (Comments 1-3). One comment expressed opposition to the easement (Comment 4). See below for details of each comment and FWP's response to the comment in opposition.

Comment #1:

Name: Bert Otis
City: Emigrant

Dear Fish Wildlife & Parks Commission,
I support the W-Bar CE, now that I can see the cost, it looks like a fair price for what the public gets in the future. Hopefully some day, I will be able to get down there to enjoy it.

Comment #2:

Name: Ryan Nottestad
City: Glendive

Please proceed with the purchase of the W Bar conservation easement. Eastern Montana needs more of these and this particular property allowing access to beaver creek and the riparian areas along it is definitely worth conserving.

Comment #3:

Name: Bert Otis
City: Emigrant

Dear Fish Wildlife & Parks Commission,
I already commented that this CE looked good, but I didn't know the cost at that time. After seeing the cost, and the rest of the EA, I still think it looks good. One benefit I didn't look at the first time was the fishing aspect. That makes even better.
Good job on the management plan also.

Comment #4:

Name: Mary Anderson
State: Alaska

Regarding the proposal to use Pittman-Robertson and Habitat Montana funds to purchase the W-Bar easement for the use of hunting, fishing and wildlife viewing: I strongly object to the sole use of funds obtained from the purchase of firearms, ammo and hunting licenses be used to support fishing and

wildlife viewing, two groups who sometimes strongly object to hunting. Where is the contribution from Trout Unlimited, REI and the Sierra Club? As you know, the first thing the wildlife viewing group is going to try to do is stop the practice of hunting. Some in the fishing and viewing groups would also like to stop the practice of ranching, the activity that to date has provided the conservation.

I understand the W-Bar motivation, but let's be fair about the use of Pittman-Robertson and Habitat Montana funds. Those funds are supposed to be for conservation that supports hunting, not to benefit those who would oppose everything about Pittman-Robertson activities and purpose. If the state wants to obtain proportional funds from fishing / viewing groups, perfect, I'm on board. I would be in favor of using Habitat Montana and Pittman-Robertson funds to help W-Bar with rotational grazing in exchange for hunting rights.

FWP Response: The primary purpose of conservation easements is to protect and enhance critical wildlife habitat. Public access is a secondary, but important, benefit. Allowing fishing and wildlife viewing access does not take away from the primary purpose of the conservation easement or access for hunters and is an added value to the easement. We appreciate the need for funding from other recreation groups, however there is currently no funding mechanism in place or available that allows such use. The independently appraised valuation of the easement would be the same regardless of whether wildlife viewing was included or not. Section 8 of the W-Bar Management Plan addresses these issues: "The Landowners or FWP may prohibit wildlife watching activities that interfere with ranching operations or wildlife management goals. This includes any activities that have the potential to decrease habitat or forage quality or quantity and those that have the potential to disturb livestock or wildlife. If a conflict arises between wildlife watching opportunity and public hunting opportunity, the public hunting opportunity will take precedence". Part of our vision as an agency is to provide diverse opportunities for people to connect with Montana's outdoors and increase participation in recreational opportunities. This includes options for recreation in addition to hunting.

DECISION NOTICE

Utilizing the EA and public comment, a decision must be rendered by FWP which addresses the concerns and issues identified for this proposed action.

FWP's analysis supports purchasing the perpetual conservation easement encompassing approximately 6,751 acres in Wibaux County, Montana that comprise the W-Bar Conservation Easement.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

After review of this proposal, it is my decision to accept the draft EA as supplemented by this Decision Notice and changes herein as final, and to recommend proceeding with the proposed W-Bar Conservation Easement, contingent on approvals by the Fish & Wildlife Commission.

The Final EA may be viewed on FWP's website: <http://www.fwp.mt.gov> or be obtained upon request from Montana Fish, Wildlife & Parks, Region 7 Headquarters, P.O. Box 1630, Miles City, MT 59301 or (406) 234-0900.



Brad Schmitz
FWP Regional Supervisor, Region 7

Date: June 30, 2020